

FISCAL NOTE

SB 2741 - HB 3127

March 10, 2006

SUMMARY OF BILL: Requires an offender convicted of Class B felony of aggravated sexual battery, the Class B felony of solicitation of sexual exploitation of a minor through activity of the minor, or the Class C felony of sexual exploitation of a minor through viewing activity of others, to serve minimum of 10 years in prison if the victim was less than 13 years of age.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$5,742,200 / Incarceration*

Assumptions:

- Sentence reduction credits cannot reduce time served to less than 10 years.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years, yielding a projected compound population growth of 13.6% over the next ten years.
- Eighty-three offenders will serve an additional 3.2 years (an increase from 6.8 years to 10.0 years) in the first year. Population growth of 1.09 percent per year will result in ten additional offenders charged with this offense in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by §9-4-210, is based upon 93 offenders serving an additional 3.2 years. According to the Department of Correction, the average operating cost per inmate per day for calendar year 2006 is \$50.02. The cost per inmate at 6.8 years is \$124,234.67 (\$50.02 x 2483.7 days). The cost per inmate at 10.0 years is \$182,698.05 (\$50.02 x 3652.50 days). The additional cost from increasing the time served from 6.8 years to 10.0 years is \$58,463.38 (\$182,698.05 - \$124,234.67) per offender. The total additional operating cost for 93 offenders per year is \$5,437,094.34 (\$58,463.38 x 93).
- One offender will serve an additional 7.6 years (an increase from 2.4 years to 10.0 years) for a Class B felony offense of solicitation of a minor less than 13 years of age. The cost per inmate at 2.4 years is \$43,847.53 (\$50.02 x 876.6 days). The cost per inmate at 10.0 years is \$182,698.05 (\$50.02 x 3652.50 days). The total additional operating

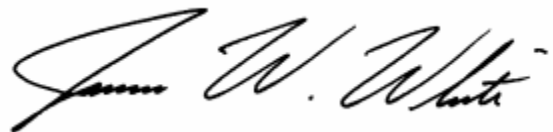
cost from increasing the time served from 2.4 years to 10.0 years is \$138,850.52 (\$182,698.05 - \$43,847.53) for one offender.

- One offender will serve an additional 9.1 years (an increase from 0.9 years to 10.0 years) for a Class C felony offense of solicitation of a minor less than 13 years of age. The cost per inmate at 0.9 years is \$16,443.07 (\$50.02 x 328.73 days). The cost per inmate at 10.0 years is \$182,698.05 (\$50.02 x 3652.50 days). The total additional operating cost from increasing the time served from 0.9 years to 10.0 years is \$166,254.98 (\$182,698.05 - \$16,443.07) for one offender.
- No significant incarceration cost increase will occur due to population growth in this period for the Class C or Class B felony offense of solicitation of a minor less than 13 years of age.

* Tennessee Code Annotated, Section 9-4-210, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director